

Message Text

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43

ACTION L-03

INFO OCT-01 EUR-12 IO-13 ISO-00 NEA-10 SSO-00 NSCE-00

USIE-00 INRE-00 ACDA-07 AGR-05 AID-05 CEA-01 CEQ-01

CG-00 CIAE-00 CIEP-01 COME-00 DLOS-06 DODE-00 DOTE-00

EB-07 EPA-01 ERDA-05 FEAE-00 FMC-01 TRSE-00 H-02

INR-07 INT-05 JUSE-00 NSAE-00 NSC-05 NSF-01 OES-06

OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 SAL-01 OIC-02

AF-08 ARA-06 EA-07 /153 W
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O R 091540Z SEP 76

FM USMISSION USUN NY

TO SECSTATE WASHDC IMMEDIATE 9063

INFO AMEMBASSY OTTAWA

C O N F I D E N T I A L USUN 3634

FROM US DEL LOS

FOR L AND NEA AND EUR

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS - DELIMITATION OF ECONOMIC ZONE AND CONTINENTAL SHELF

1) IN NEGOTIATING GROUP DISCUSSION (NO RECORDS) OF
DELIMITATION OF ECONOMIC ZONE AND CONTINENTAL SHELVES, CANADA
INTERVENED AND SAID ARTICLES 61 AND 71 GAVE INSUFFICIENT
WEIGHT TO EQUIDISTANCE PRINCIPLE. THEY PROPOSED AN AMENDMENT
TO ARTICLE 62(1) AND 71(1) AS FOLLOWS:

THE DELIMITATION OF THE EXCLUSIVE ECONOMIC ZONE
BETWEEN ADJACENT AND OPPOSITE STATES SHALL BE EFFECTED BY
AGREEMENT EMPLOYING, AS A GENERAL RULE, THE MEDIAN OR
EQUIDISTANCE LINE, TAKING INTO ACCOUNT SPECIAL CIRCUMSTANCES,
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WHERE JUSTIFIED, IN ORDER TO REACH AN EQUITABLE RESULT.

2) WHILE WE HAD NO EXPLICIT UNDERSTANDING WITH CANADIANS, THIS INJECTION OF BILATERAL BOUNDARY DISPUTE IN NEGOTIATIONS WAS WITH NO ADVANCE NOTICE TO US. CANADIANS APPARENTLY BELIEVE U.S. PRIVATELY INSTIGATED CURRENT TEXTS OF ARTICLES 62 AND 71, WHICH IS NOT REPEAT NOT TRUE. US DEL CONTINUES TO BELIEVE IT IS HIGHLY UNLIKELY THAT ANY TEXT ORIENTED MORE TO EQUIDISTANCE THAN 1958 CONTINENTAL SHELF CONVENTION WILL EMERGE FROM CONFERENCE. WHILE SUBSTANTIAL MOVE AWAY FROM EQUIDISTANCE IN CURRENT TEXT MIGHT NOT SURVIVE, OUR CURRENT ASSESSMENT IS THAT OPPOSITIONS OF TEXT WILL GAIN LITTLE IF ANYTHING, AS DEBATE WAS DIVIDED. NEXT (AND POSSIBLY FINAL) MEETING ON SUBJECT IS THIS AFTERNOON AT 3:00 P.M.

3) WE HAVE THREE OPTIONS:

(1) INTERVENE IN SUPPORT OF CURRENT TEXT

(2) REMAIN SILENT.

(3) BILATERALLY NOTE OUR DISPLEASURE AT INJECTION

OF BILATERAL DISPUTE INTO LOS NEGOTIATIONS,

AND FIRMLY REJECT INTIMATIONS OF CANADIAN

REPS THAT U.S. INSTIGATED CURRENT TEXT.

OPTION 3 IS COMPATIBLE WITH (1) OR (2) ABOVE.

4) COMMENT: OPTION (1) INJECTS U.S. INTO MIDDLE OF AEGEAN AND OTHER SIMILAR DISPUTES (TURKEY SUPPORTS CURRENT TEXT, GREECE OPPOSES IT. CHINA PROBABLY SUPPORTS IT; JAPAN IS STRONGLY OPPOSED). WE ALSO PREJUDICE OUR INFLUENCE BY OPENLY INJECTING OURSELVES AS A DISPUTANT, RATHER THAN OUR CURRENT POSTURE OF ENSURING THAT TEXT ON THIS ISSUE DOES NOT PREJUDICE WIDESPREAD RATIFICATION. WE SEE LITTLE SUBSTANTIAL RISK IN OPTION 2. WE RECOMMEND OPTION 2, POSSIBLY COUPLED WITH OPTION 3. REQUEST GUIDANCE BY TELCON SOONEST. BENNETT

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Message Attributes

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Disposition Reason:
Disposition Remarks:
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Enclosure: n/a
Executive Order: GS
Errors: N/A
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Margaret P. Grafeld
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